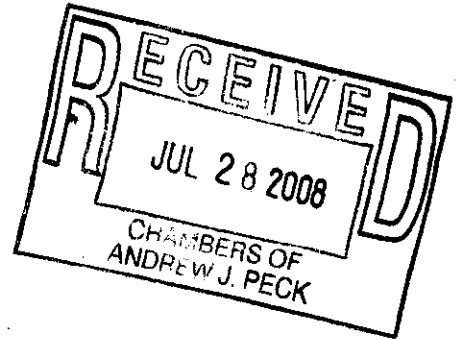


Great Meadow Correction Facility
P.O. Box 51
Comstock, New York 12821

July 22, 2008

Hon. Andrew Peck
Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007



USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED: 7/28/08

Re: Luis Caban v. David Rock, 08-Civ-3827;
Request of an Enlargement of time to file Traverse Brief

Dear Judge Peck:

This letter is being written, on behalf of Mr. Luis Caban, in regard to the above reference matter.

Mr. Caban is respectfully requesting for an enlargement of time to perfect his reply to the Respondent's Opposition to his Habeas Corpus Petition. The reasons he is in need of an extension are as follows:

1. He is not fluent in the English language;
2. He has requested for the law library officer to provide him with the assistance of a law clerk to him prepare his reply brief; and
3. He will need the law clerk to explain the respondent's position and legal arguments, and conduct legal research for the purpose of perfecting his reply brief.

For the foregoing reasons, petitioner respectfully asks the Court to grant him a ninety (90) days extension of time to allow him to prepare and submit his brief.

Mr. Caban would like to thank the Court in advance for its attention and consideration in this most important.

MEMO ENDORSED 7/28/08

Very truly yours,

Luis Caban

Luis Caban
05-A-0833

SO ORDERED:

[Signature]
Hon. Andrew Jay Peck
United States Magistrate Judge

*cc: Al Burtis / court
Judge Peck*

*Traverse entered by 8/29/08.
The Court will be free to rule on it.
Petitioner's office has been notified of the Court's decision.
Any further request after 8/29/08 will be considered if it is received
before the Court rules.*

cc: copy

Robert T. Johnson
District Attorney, Bronx County
Office of the District Attorney
198 E. 161st
Bronx, NY 10454

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
In the Matter of the Application of

LUIS CABAN,

Petitioner,

08 Civ. 3827

- against -

CERTIFICATE OF SERVICE

**DAVID ROCK, Superintendent,
NYS Depart of Correctional Services,**

Respondent.
-----X

LUIS CABAN, declare under the penalty perjury that I have served a copy of the attached

Letter Application for Enlargement of Time To File Traverse Brief, upon:

**Robert T. Johnson
District Attorney, Bronx County
Office of the District Attorney
198 E. 161st
Bronx, NY 10454**

**By placing the same in a sealed postage pre-paid envelope addressed the above-named,
after depositing the same in a U.S. Mail box, maintained and located at: Great Meadow
Correctional Facility, POB 51, Comstock, NY 12821.**

**Dated: July 22, 2008
Comstock, NY 12821**

Yours etc.,

**Luis Caban
#05-A-0833**

**P.O. Box 51
Comstock, NY 12821**

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: July 28, 2008

Total Number of Pages: 4

TO	FAX NUMBER
Nikki D. Faldman, Esq. Stanley R. Kaplan, Esq.	718-590-6523

TRANSCRIPTION:

MEMO ENDORSED 7/28/08

Traverse extended to 8/29/08.

The Court will be free to rule on the petition after that time whether or not the traverse is received. Any traverse received after 8/29/08 will be considered if it is received before the Court rules.

**Copies to: Luis Caban (Mail)
Judge William H. Pauley III**